

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

LARRY ARNOLD YOUNG,

Plaintiff,

v.

CIVIL ACTION NO. 1:17-03633

T.A. LACY,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is defendant's Motion to Deposit Settlement Funds with the Court for Distribution and to Dismiss with Prejudice. (ECF No. 176.) That motion is **DENIED** without prejudice. However, the court will construe the motion as alternatively seeking specific performance of the settlement agreement and for sanctions for the failure to do so.

This matter was settled in open court on September 14, 2020. (ECF No. 151.) Plaintiff agreed to release all claims against defendant and dismiss this case in exchange for \$500.¹ (Id.) On November 3, 2020, the court granted defendant's motion to enforce the settlement agreement. (ECF No. 162.) Plaintiff appealed; the United States Court of Appeals for the Fourth Circuit affirmed. (See ECF No. 169.) Defendant represents that

¹ Implicit within these terms was the signing of a standard release. Furthermore, plaintiff stated on the record that he would move the court to dismiss the case, which he has not done to date.

plaintiff has not signed a release despite defendant's multiple requests to plaintiff to do so.

Plaintiff is **ORDERED** to sign the release that has been sent to him and to return it to defendant within 21 days. If plaintiff does not do so, the court will dismiss the case with prejudice upon defendant's motion. Should the court dismiss the case with prejudice, plaintiff will have no claim to the \$500 in settlement funds.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and, by certified mail, return receipt requested, to plaintiff at P.O. Box 538, Lashmeet, WV 24733.

IT IS SO ORDERED this 20th day of January, 2022.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge